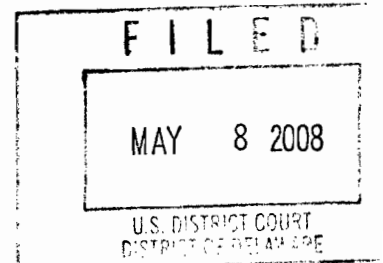


NOTICE OF APPEAL
TO
U.S. COURT OF APPEALS, THIRD CIRCUIT



U.S. District Court for the District of Delaware

CIRCUIT COURT
DOCKET NUMBER: _____
(leave blank)

FULL CAPTION IN DISTRICT COURT AS FOLLOWS:

Jarid Cubbage

DISTRICT COURT
DOCKET NUMBER: 05-798-GMS

v.

Perry Phelps, Warden

DISTRICT COURT
JUDGE: Gregory M. Sleet

Notice is hereby given that Jarid Cubbage
(Named Party)

appeals to the United States Court of Appeals for the Third Circuit from [] Judgment, [☒] Order,
[X] Other (specify) Memorandum Opinion

entered in this action on April 16, 2008
(date)

Dated: April 29, 2008

Jarid Cubbage, Pro-Se
(Counsel for Appellant-Signature)

(Name of Counsel - Typed)

(Counsel for Appellee)

(Address)

(Address)

(City, State Zip)

(City, State Zip)

(Telephone Number)

(Telephone Number)

NOTE: USE ADDITIONAL SHEETS if all appellants and/or all counsel for appellees cannot be listed on the Notice of Appeal sheet.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

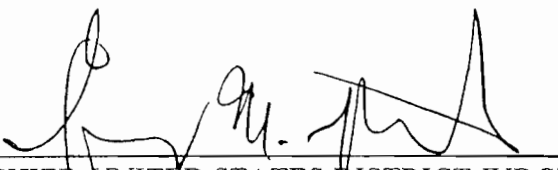
| | | |
|------------------------------------|---|------------------------|
| JARID L. CUBBAGE, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Civ. A. No. 05-798-GMS |
| |) | |
| PERRY PHELPS, Warden, |) | |
| and JOSEPH J. BIDEN, III, Attorney |) | |
| General of the State of Delaware, |) | |
| |) | |
| Respondents. |) | |

ORDER

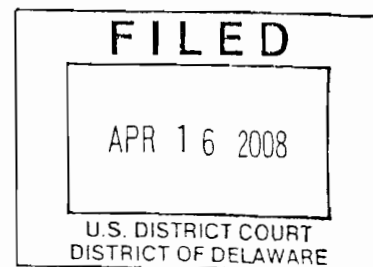
For the reasons set forth in the Memorandum Opinion issued this date, IT IS HEREBY ORDERED that:

1. Petitioner Jarid L. Cubbage's petition for the writ of habeas corpus filed pursuant to 28 U.S.C § 2254 is DISMISSED, and the relief requested therein is DENIED. (D.I. 2; D.I. 8.)
2. The court declines to issue a certificate of appealability for failure to satisfy 28 U.S.C. § 2253(c)(2) .

Dated: April 16, 2008



CHIEF, UNITED STATES DISTRICT JUDGE



LM: David Cabbage
SR# 27683 UNIT DW
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

Legal Mail

United **U.S.M.S.** District Court
for the District of Delaware
2 Caleb Boggs Building
844 King St Lock Box 18
Wilmington, De. 19801

